

1 JERRY Y. FONG, ESQ. (SBN 99673)  
CAREY & CAREY  
2 706 COWPER STREET  
P.O. BOX 1040  
3 PALO ALTO, CA 94302-1040  
650/328-5510  
4 650/853-3632 fax

5 Attorneys for Defendant  
DAVID RAY HERNANDEZ  
6  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 DAVID RAY HERNANDEZ,

15 Defendant.  
16

CASE: CR 07-00506 JW  
CR 07-00508 JW

STIPULATION TO CONTINUE  
DATE SET FOR JUDGMENT  
AND SENTENCING, AND  
[proposed] ORDER THEREON

17 ITS IS HEREBY STIPULATED, by and between THOMAS M. O'CONNELL,  
18 ESQ., attorney for the UNITED STATES OF AMERICA, and JERRY Y. FONG, ESQ.,  
19 counsel for Defendant DAVID RAY HERNANDEZ that the date set for judgment  
20 and sentence which is currently set for Monday, April 28, 2008, be continued  
21 to Monday, June 2, 2008, at 1:30 pm.

22 Counsel for Defendant HERNANDEZ has been in a federal civil trial for the  
23 past three days and in preparation for said trial during the week preceding, so  
24 he has been unable to properly prepare for the sentencing hearing on Mr.  
25 HERNANDEZ, including meeting with the Defendant.

26 ///

27 ///

28 ///

1 In this regard, defense counsel has contacted the probation officer, Ms.  
2 Lori Timmons, and she has no objection to this continuance.

3 IT IS SO STIPULATED.

4  
5 DATED: April 25, 2008

CAREY & CAREY

6  
7 /s/  
8 JERRY Y. FONG, Attorneys for  
9 Defendant DAVID RAY HERNANDEZ

10  
11 DATED: 4/25, 2008

UNITED STATES OF AMERICA

12  
13 /s/  
14 THOMAS M. O'CONNELL,  
15 Assistant U.S. Attorney

16  
17 ORDER

18 GOOD CAUSE APPEARING THEREFORE, it is hereby ordered, adjudged,  
19 and decreed, that the judgment and sentencing of DAVID RAY HERNANEZ  
20 currently set for April 28, 2008, be continued to Monday, June 2, 2008, at 1:30  
21 pm.

22  
23  
24 DATED: \_\_\_\_\_, 2008

25 HON. JAMES WARE  
26 U.S. DISTRICT COURT JUDGE  
27  
28